

**IN THE CLAIMS:** See Listing of Claims. This listing will replace all prior versions of claims in the application.

### **REMARKS**

The Applicants acknowledge the Examiner's comprehensive Office Action, a **Final Rejection**, with appreciation. The Office maintains the previously issued Restriction Requirement; however, the Office has rejoined method Claims 35 and 36 for examination. Claims 20, 22-33, and 35-37 remain pending in the application. The Office raises a rejection under 35 USC § 112, first paragraph. The Office also raises objections as to form. The Office acknowledges the priority claims to French Application FR 02.13917 and International Application PCT/FR2003/03278.

The Office objects to the Information Disclosure Statement (IDS) filed with the Response of August 7, 2007, stating that it does not include a concise explanation of the listed references which are not in the English language. The Office notes that the listed reference (i.e., EP 0919541) has been placed in the application file but that the reference has not been considered. With this Response, the Applicants provide a new Form PTO-1449 listing an English language equivalent of EP 0919541 (i.e., US Patent No. 6,143,789). The Applicants respectfully request that the Office consider the listed reference.

The Office acknowledges the Applicants' traversal with respect to the further limitation of  $R_1$  in the elected Restriction Group (directed to compounds wherein A represents  $-N(R_2)COR_1$ ); however, it remains the position of the Office that compounds in which  $R_1$  may represent a heteroaryl group or heteroaryl-( $C_1$ - $C_6$ alkyl) group are structurally distinct from the compounds encompassed by the remaining alternatives in the  $R_1$  definition. Therefore, the Office maintains the Restriction Requirement and requests cancellation of the non-elected subject matter from the claims. With the instant Amendment, the Applicants have cancelled the non-elected subject matter without prejudice to its further prosecution in a Divisional Application. As a result of the Office refusal to withdraw the Restriction Requirement, the

Applicants note that such subject matter has not been examined on the merits under 35 USC § 131.

Claims 35 and 36 are rejected for lack of enablement under 35 USC § 112, first paragraph. It is the position of the Office that the specification is not enabling for the treatment of any and all diseases/disorders of the melatonergic system.

The Applicants respectfully submit that those skilled in the art recognize that compounds with good melatonergic receptor binding affinity have a wide range of therapeutic indications. The compounds of the invention have been found to have very good receptor binding affinity for melatonin receptors as well as activity in several *in vivo* models (see Pharmacological Examples B-F, at pages 20-24 of the instant specification). Based on the disclosed activity, the compounds of the present invention are potent candidates for the treatment of disorders in which the melatonergic system is involved.

Moreover, with this Response and Amendment, the Applicants provide a Declaration by Dr. Philippe DELAGRANGE, a scientist skilled in this particular art, which speaks to the correlation between melatonergic receptor binding affinity and the treatment of specific disease states. Specifically, the Declarant provides a review of published literature demonstrating that those skilled in the art understand that compounds which possess potent binding affinity at the melatonergic receptors have a definite and positive utility in the treatment of stress, sleep disorders, anxiety, seasonal affective disorders, cardiovascular pathologies, pathologies of the digestive system, insomnia and fatigue due to jetlag, schizophrenia, panic attacks, melancholia, appetite disorders, obesity, insomnia, pain, psychotic disorders, epilepsy, diabetes, Parkinson's disease, senile dementia, disorders associated with normal or pathological aging, migraine, memory loss, Alzheimer's disease, cerebral circulation disorders, sexual dysfunctions, and cancer. Consequently, the applicants submit that the compounds are enabled with respect to the treatment of the above-mentioned conditions.

Therefore, Claim 35 has been amended to replace the phrase "disorders of the melatoninergetic system" with "a disorder of the melatoninergetic system selected from sleep disorders, stress, anxiety, seasonal affective disorders, cardiovascular pathologies, pathologies of the digestive system, insomnia and fatigue due to jetlag, schizophrenia, panic attacks, melancholia, appetite disorders, obesity, insomnia, psychotic disorders, epilepsy, diabetes, Parkinson's disease, senile dementia, disorders associated with normal or pathological aging, migraine, memory loss, Alzheimer's disease, cerebral circulation disorders, sexual dysfunctions, and cancer" and Claim 36 has been cancelled. Support for this Amendment may be found at page 8 of the instant specification.

Thus, the applicants submit that the instant invention is enabled with respect to the treatment of the specific conditions claimed. Reconsideration and withdrawal of the lack of enablement rejection is respectfully requested.

\* \* \* \* \*

Accordingly, entry of present amendment and the DELAGRANGE Declaration, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned agent has made an earnest effort to place this application into condition for immediate allowance. If she can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call her at her below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:

  
MICHELE M. CUDAHY, Reg. No. 55,093

Dated: January 31, 2008  
Customer No.: 25,666  
Seventh Floor, Kalamazoo Building  
107 West Michigan Avenue  
Kalamazoo, MI 49007  
(269) 382-0030

Enclosure: DELAGRANGE Declaration and Accompanying References; Form  
PTO-1449; Listing of Claims; and Postal Card Receipt

\* \* \* \* \*

**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER  
OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION,  
DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO  
DEPOSIT ACCOUNT NO. 08,3220.**